REMARKS

After entry of the subject amendment, claims 1-15 and 17-49 remain in the application with claims 1, 6, and 30 in independent form. More specifically, claims 1, 6, and 17 have been amended, claim 16 has been canceled (via previous amendment), and claims 48-49 have been added in this amendment. There is full support in the specification for the amendments to claims 1, 6, and 17 and for added claims 48-49. Accordingly, no new matter has been added.

Claims 1-46 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bassett (United States Patent No. 4,139,514). The Applicants respectfully traverse.

The Clearcoat Composition Claims:

Independent claims 1 and 6 have been amended to require that the water-soluble surfactant be present in the clearcoat composition in an amount from ***0.15*** to 5 parts by weight based on 100 parts by weight of the clearcoat composition. With particular reference to Examples 2 and 4 and also to Paragraph [0037] of the application as originally filed, it is apparent that the specification supports the lower component of this claimed range for the amount of the water-soluble surfactant in the clearcoat composition (*.225 grams of water-soluble surfactant X 70.0 wt. % (0.70) of sodium bis(2-ethyhexyl) sulfosuccinate, i.e., actual surfactant, in the water-soluble surfactant = .1575 grams of actual surfactant ÷ a total of 100.225 X 100 = .1571 grams of actual surfactant in the clearcoat composition*).

In contrast, although Bassett discloses a clearcoat composition that contains dioctyl sodium sulfosuccinate as a surfactant, Bassett does not disclose, teach, or otherwise suggest such amounts (0.15 to 5 parts) of the water-soluble surfactant being present in the clearcoat composition. Instead, in Bassett, the dioctyl sodium sulfosuccinate is first incorporated into a waterborne latex resin, i.e., the Latex Reaction Product) and not directly into the clearcoat composition. The latex resin is subsequently incorporated into a paint. It is this paint of Bassett that is comparative to the clearcoat composition claimed in the present application.

Importantly, in the previous Amendment, Applicant did not intend to ignore the other parts of Bassett that were cited by the Examiner (column 6, lines 23-24; column 7, lines 1-54; and column 10, lines 18-44). However, just like Example 26 of Bassett (which was described at length in the previous Amendment), these "other parts" of Bassett do not disclose, teach, or other suggest 0.15 to 5 parts of the water-soluble surfactant being present in the clearcoat composition. In an effort to address the disclosure of these sections of Bassett, the Applicant offers the following analysis for the Examiner's benefit. Referring to Example 1, column 6, lines 10-47 and generally to columns 7-10:

Latex Reaction Product		
Component	Pts.	%
Water	800	56.58
Dioctyl sodium sulfosuccinate	4.5 (1.5 + 3)	.32
Ammonium persulfate	3.5	.25
Styrene	180	12.73
Ethyl acrylate	270	19.09
2-Hydroxyethyl acrylate	75	5.30
Methacrylic acid	75	5.30
Butyl mercaptan	6	.43
Total	**1414.0**	100.0

Next, 480 grams of the Latex Reaction Product (LRP) were taken and solubilized by the addition of a 50% aqueous solution of dimethylethanolamine (DMEA) to a pH of between 8 and 9. No precise amount for the addition of the aqueous solution of the DMEA is provided. However, any addition of this aqueous solution of DMEA necessarily reduces the relative concentration of dioctyl sodium sulfosuccinate (DOSS). For exemplary calculation purposes, we will assume that only 1 gram of the aqueous solution of DMEA is added. However, it is likely that significantly more DMEA is added. Thus, we have:

Solubilized LRP	
480 grams of LRP	*(which includes 1.53 grams of DOSS)*
1 gram of aqueous solution of DMEA	
Total = 481 grams of Solubilized LRP	

(1.53 grams of DOSS ÷ 481 grams Total Solubilized LRP) X 100% = .32% of DOSS. Next, 239 grams of this Solubilized LRP was taken to make a "Paint". The Paint includes, at a minimum, two components, the Solubilized LRP and hexamethoxymethylmelamine (HMMM). No precise amount for the addition of the HMMM is provided. Just as with the DMEA, any addition of HMMM will necessarily reduce the relative concentration of dioctyl sodium sulfosuccinate (DOSS). For exemplary calculation purposes, we will assume that only 1 gram of HMMM is added, along with the Solubilized LRP, to form the Paint. However, it is likely that significantly more HMMM is added. Thus, we have:

Paint	
239 grams of Solubilized LRP	*(which includes 0.76 grams of DOSS)*
1 gram of HMMM	
Total = 240 grams of Paint	

(0.76 grams of DOSS ÷ 240 grams Total Paint) X 100% = .32% of DOSS. Next, the 240 grams of Paint were diluted with 317 grams of distilled water to establish a "Diluted Mixture".

Diluted Mixture	
240 grams of Paint	*(which includes 0.76 grams of DOSS)*
317 grams of Distilled Water	
Total = 557 grams of Diluted Mixture	

(0.76 grams of DOSS ÷ 557 grams Total Diluted Mixture) X 100% = .14% of DOSS. Next, appx. 250 grams of the Diluted Mixture were placed in a mixer, and 100 parts of TiO_2 were added to establish a "Formulation". The remainder (307 grams) of the Diluted Mixture (557 – 250 = 307 grams) was then added to the Formulation.

Formulation	
250 grams Diluted Mixture	*(which includes 0.35 grams of DOSS)*
100 grams TiO_2	*(none)*
307 grams Diluted Mixture	*(which includes 0.43 grams of DOSS)*
Total = 657 grams of Formulation	Total DOSS in Formulation = 0.78 grams

Thus, the final Formulation has only .12% DOSS (0.78 ÷ 657 grams Total Formulation) X 100% = .12%, or .12 parts of DOSS on 100 parts by weight of the final Formulation. Significantly, this Formulation is even further educed with 420 parts of water (see column 6, lines 42-45). This final addition of water would even further reduce the relative concentration of DOSS.

This calculation illustrates the upper end of the typical amounts of DOSS that the paints/formulations of Bassett would contain because, as emphasized above, these calculations even ignore the fact that higher amounts of DMEA and HMMM (as opposed to only 1 gram) are actually added.

In conjunction with the amendments to the claims and with the reasoning set forth above, it is respectfully submitted that Basset does not anticipate independent claims 1 and 6, as amended, and any rejection under § 102(b) cannot be sustained.

Furthermore, it is respectfully submitted that no *prima facie* case of obviousness relying on Bassett could reasonably be established against independent claims 1 and 6 such that any § 103(a) rejection of these claims would be unfounded. This is true for several reasons. First, Bassett does not teach or suggest all of the limitations of the amended independent claims, specifically the amount of the water-soluble surfactant. Secondly, in all instances, Bassett incorporates the same amount of dioctyl sodium sulfosuccinate into the resin and not directly into the paint (or final formulation), i.e., the clearcoat composition. As a result, there is no motivation to modify Bassett (or to combine it with any other references of record) to increase the amount of DOSS in the paint/formulation to the higher amounts (0.15) that are claimed in amended independent claims 1 and 6, and the recently-decided case of *In re Sang Su Lee* requires that the prior art provide such a motivation without the Examiner relying on subjective belief when making an argument to modify a reference or motivation to combine references. Thirdly, it is even arguable that Bassett is non-analogous art. Every single paint composition of Bassett, without exception, incorporates titanium dioxide. Therefore, the paint compositions of Bassett, which as described above are comparative to the clearcoat composition of the present application, are not clearcoat compositions whatsoever.

Instead, the paint compositions of Bassett are pigmented and merely incorporate a resin, the water-soluble vehicle (or waterborne latex resin) that happens to be clear.

The Method Claims:

The method of independent claim 30 requires that a resin of the clearcoat composition be provided and that a cross-linking agent of the clearcoat composition be incorporated with the resin to first form an intermediate composition. Once this intermediate composition is formed, the method then requires that the water-soluble surfactant be incorporated *into the intermediate composition* to form the clearcoat composition. That is, the water-soluble surfactant is added to the intermediate composition that already includes the resin and the cross-linking agent. The water-soluble surfactant is not added to the resin during a separate process for producing the resin. As described throughout the original specification, the significance of this method is that it reduces the ability of rain to bead on a film of a clearcoat composition, which improves resistance to etch from acid rain.

As alluded to above, Bassett does not form a clearcoat composition, i.e., a composition that is clear, at all. Instead, all of the paint compositions are pigmented and only the resin is clear, which is typical for a resin. Ignoring this fact for argument's sake, Bassett does not disclose, teach, or suggest the step of incorporating the water-soluble surfactant into an intermediate composition that already includes a resin and a cross-linking agent. Instead, Bassett merely discloses the incorporation of a water-soluble surfactant into a resin. Simply stated, Basset does not disclose, teach, or suggest the post-adding of a water-soluble surfactant to an intermediate composition of a final clearcoat composition once the intermediate composition has already been formed. As a result, Bassett does not anticipate independent claim 30 and any rejection under § 102(b) cannot be sustained.

Also, Bassett does not render the method invention, as claimed in independent claim 30, obvious. In short, due to the same § 103(a) reasoning outlined above, Bassett does not provide any motivation, either alone or in combination, to post-add a water-soluble surfactant to an intermediate composition, that is defined to already include a resin and a cross-linking agent, to form a clearcoat composition.

As a result of the amendments to the claims and in view of the remarks set forth above, it is respectfully submitted that independent claims 1 and 6, as amended, and independent claim 30 are allowable. Furthermore, the remaining claims, specifically dependent claims 2-5, 7-15, 17-29, and 31-49, depend from these independent claims such that these claims are also allowable.

It is respectfully submitted that the application is now presented in condition for allowance, which allowance is respectfully solicited.

The Commissioner is authorized to charge Deposit Account No. 08-2789 for any additional fees or to credit the account for any overpayment.

Respectfully submitted,

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